

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

DAVID MORILLO,

Defendant.

13-CR-70-4 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Defendant David Morillo, proceeding without counsel, filed the attached motion seeking a reduction of his sentence pursuant to the “zero-point offender” provision of Amendment 821 to the United States Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively. A reduction of sentence is not authorized, however, if the amendment at issue “does not have the effect of lowering the defendant’s applicable guideline range.” U.S.S.G. § 1.10(a)(2); *see* 18 U.S.C. § 3582(c)(2). That is the case here. Far from having zero criminal history points, Defendant was in Criminal History Category VI. Accordingly, he does not qualify for the two-point offense level adjustment under U.S.S.G. § 4C1.1, which applies only to “zero point offenders.” Thus, while the Court commends Defendant on his self-proclaimed rehabilitation, his motion must be and is DENIED.

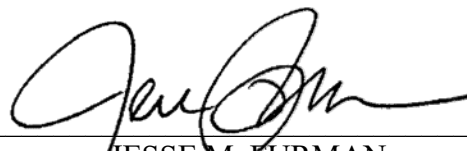
This Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Memorandum Opinion and Order would not be taken in good faith, and *in forma pauperis* status is thus denied. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail this Order to Defendant at the following address:

David Morillo-Cruz
ID No. 69067-066
FCI Oxford
P.O. Box 1000
Oxford, WI 53952

SO ORDERED.

Dated: April 25, 2025
New York, New York



JESSE M. FURMAN
United States District Judge

United state Southern District
New york

- Morillo - Cruz, David
- Docket # 58 1:13-cr-070-4 CSMR
- Judge : Furman
- Subject For my request : Amendment 821
USSE 4C11 zero point Offender.

Dear Court clerk:

I was Sentence by Judge Furman to 72 month of imprisonment in Nov 10, 2016. I been incarcerated since 2013 serving two different Judgements, ① Eastern District of Pennsylvania an ② by Southern District of New York. I currently have 145 month in jail which means that I'm done with my Pennsylvania Judgement leaving me with my 72 months sentence to serve. This time in prison there is not a day that go by that I don't feel remorse for my actions an feel sorry for the consequence of my actions. Today I'm a new man with a different mind set than twelve years ago. I'm a father of 8 beautiful American citizen kids with one of them serves in the US army active duty First Sergeant. I'm currently in FCI Oxford were due to a meal I eat here currently have a bacteria in my head that has generated a seizures. I'm currently been medicated (Levetiracetam) for this bacteria. I been in good conduct through my incarceration. It is with great respect to this Court an its Judges an clerks that I will like to be screen for the retroactive two offence level zero point offender Law (Admendment 821)

I have learn my lesson in the many years I been in jail. I'm ready to go to my home country of the Dominican Republic an be a great human with good values. I will like to say I'm sorry to the American People an its Justice Department for my previous actions. Today I have change due to years of thindking an taking advantage of the many programs in the Bop. I will like to get my levels reduction if I qualify. God Bless

X David morillo

Monillo-Cruz, David 06 800
Federal Correctional Institution
FCI Oxford
P.O. Box 1000
Oxford, WI 53952

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S.D.N.Y.

Sdny District Court
500 Pearl ST
NEW YORK, NY 10007
United States

APR 18 2025